

for additional pay for performance of administrative functions by officers of the National Guard and reserve components.

EFFECTIVE DATE OF REPEAL

Section 404(b) of Pub. L. 96-107 provided that: “The amendments made by this section [repealing this section] shall apply only with respect to administrative functions performed after September 30, 1980.”

§ 310. Special pay: duty subject to hostile fire or imminent danger

(a) Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of \$150 for any month in which he was entitled to basic pay and in which he—

(1) was subject to hostile fire or explosion of hostile mines;

(2) was on duty in an area in which he was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period he was on duty in that area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines;

(3) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

(4) was on duty in a foreign area in which he was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

A member covered by clause (3) who is hospitalized for the treatment of his injury or wound may be paid special pay under this section for not more than three additional months during which he is so hospitalized.

(b) A member may not be paid more than one special pay under this section for any month. A member may be paid special pay under this section in addition to any other pay and allowances to which he may be entitled.

(c) Any determination of fact that is made in administering this section is conclusive. Such a determination may not be reviewed by any other officer or agency of the United States unless there has been fraud or gross negligence. However, the determination may be changed on the basis of new evidence or for other good cause.

(Added Pub. L. 88-132, §9(a)(1), Oct. 2, 1963, 77 Stat. 216; amended Pub. L. 89-132, §4, Aug. 21, 1965, 79 Stat. 547; Pub. L. 98-94, title IX, §905(a), (b)(1), Sept. 24, 1983, 97 Stat. 636, 637; Pub. L. 99-145, title VI, §638(a), Nov. 8, 1985, 99 Stat. 649; Pub. L. 101-510, div. A, title XIII, §1322(c)(6), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102-190, div. A, title VI, §§611(a), 613, Dec. 5, 1991, 105 Stat. 1376, 1377.)

AMENDMENTS

1991—Subsec. (a). Pub. L. 102-190 substituted “Under” for “Except in time of war declared by Congress, and under” and “rate of \$150” for “lowest rate for hazardous duty incentive pay specified in section 301(c)(1) of this title”.

1990—Subsec. (d). Pub. L. 101-510 struck out subsec. (d) which read as follows: “The Secretary of Defense

shall report to Congress by March 1 of each year on the administration of this section during the preceding calendar year.”

1985—Subsec. (a). Pub. L. 99-145 substituted “at the lowest rate for hazardous duty incentive pay specified in section 301(c)(1) of this title” for “at the rate of \$65 a month” in provisions preceding cl. (1).

1983—Pub. L. 98-94, §905(b)(1), inserted “or imminent danger” in section catchline.

Subsec. (a)(4). Pub. L. 98-94, §905(a), added cl. (4).

1965—Subsec. (a). Pub. L. 89-132 increased rate of special pay from \$55 to \$65 a month.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 638(b) of Pub. L. 99-145 provided that: “The amendment made by this section [amending this section] shall take effect on October 1, 1985.”

EFFECTIVE DATE OF 1983 AMENDMENT

Section 905(c) of Pub. L. 98-94 provided that: “The amendments made by this section [amending this section] shall take effect on October 1, 1983.”

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-132 effective Sept. 1, 1965, see section 10 of Pub. L. 89-132, set out as a note under section 203 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1963, see section 14 of Pub. L. 88-132, set out as an Effective Date of 1963 Amendment note under section 201 of this title.

TEMPORARY INCREASE IN SPECIAL PAY IN CONNECTION WITH PERSIAN GULF CONFLICT

Pub. L. 102-25, title III, §301, Apr. 6, 1991, 105 Stat. 80, provided that:

“(a) INCREASED RATE.—In lieu of the rate of special pay specified in section 310(a) of title 37, United States Code, the rate of special pay payable under that section shall be \$150 for each month during the period described in subsection (b).

“(b) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on August 1, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.”

IMMINENT DANGER PAY

Section 1111(a) of Pub. L. 101-510 provided that: “The Secretary of Defense may provide for the payment of imminent danger pay under section 310 of title 37, United States Code, to members of the Armed Forces assigned to duty in the Persian Gulf area in connection with Operation Desert Shield with respect to periods of duty served after August 1, 1990, and before the date of the enactment of this Act [Nov. 5, 1990].”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 411a of this title; title 10 sections 701, 703, 1079; title 20 section 1087ee; title 24 section 412; title 26 section 112; title 42 section 1382a.

[§ 311. Repealed. Pub. L. 99-145, title VI, § 639(b), Nov. 8, 1985, 99 Stat. 651]

Section, added Pub. L. 90-207, §1(2)(A), Dec. 16, 1967, 81 Stat. 651; amended Pub. L. 90-603, §1, Oct. 18, 1968, 82 Stat. 1187; Pub. L. 90-623, §3(5), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 93-274, §1(3), May 6, 1974, 88 Stat. 95; Pub. L. 93-394, §1, Aug. 29, 1974, 88 Stat. 792; Pub. L. 96-284, §4(d)(1)-(3), June 28, 1980, 94 Stat. 591, 592; Pub. L. 96-513, title IV, §414(b), title V, §516(7), Dec. 12, 1980, 94 Stat. 2906, 2938, provided for continuation pay for dentists in the armed forces. See section 302b of this title.